

Montana Water Court
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IN THE WATER COURT OF THE STATE OF MONTANA
UPPER MISSOURI DIVISION
TETON RIVER BASIN (41O)

* * * * *

CLAIMANTS: Broken O. Land & Livestock LLC; Karli Johnson;
Christine R. Clark

CASE 41O-6001-A-2021

41O 187168-00

41O 30155798

OBJECTORS: Eldorado Co-Operative Canal Company; Miller
Colony, Inc.; Crawford Ranch Company LLC;
Farmers' Cooperative Canal Company; Lane
Yeager; Bryan Family Trust

ORDER AMENDING AND ADOPTING MASTER'S REPORT

Pursuant to Montana Code Annotated, Section 85-2-233(5), Case 41O-6001-RA-2021 was assigned to Water Master Eyvind Ostrem. The Water Master filed a Report containing Findings of Fact and Conclusions of Law with the Clerk of Court. Copies of the Report were served on the parties March 1, 2023. On March 7, 2023, Broken O Land & Livestock LLC filed a Motion to Clarify the Master's Report.

In its Motion, Broken O states that the final sentence in Finding of Fact No. 6 causes confusion. Broken O requests that the Finding be clarified to reflect that the animal units covered by Johnson and Clark's implied claim are separate and distinct from, and additive to, the 700 animal units previously decreed to Broken O in claim 41O 187168-00.

The time frame for filing objections has elapsed and no other objections to the Findings and Conclusion have been filed. No party filed a response to Broken O's

Motion. In accordance with the parties' Stipulation and consistent with the remaining Findings of Fact, Finding of Fact No. 6 should be amended as follows to resolve Broken O's Motion to Clarify:

6. Claim 41O 187168-00 currently includes livestock drinking from a portion of the Teton river in the E2NENW and NE of Section 26, T24N R5W, Teton County. Johnson and Clark own the portions of that place of use in the E2NENW and N2NE of Section 26, while Broken O owns the portion in the S2NE. Johnson and Clark's Motion and the parties' Stipulation request that Johnson and Clark's portion of this place of use be broken off into an implied claim to reflect their use by 600 cattle and 10 horses. **The animal units associated with historical use on Johnson and Clark's property are not part of the 700 animal units previously decreed to Broken O in claim 41O 187168-00. Johnson and Clark's animal units are separate and distinct from, and additive to, the 700 animal units previously decreed to Broken O in claim 41O 187168-00.**

No other amendments to the Master's Report are needed.

Pursuant to Rule 53(e), Montana Rules of Civil Procedure, the Court **ADOPTS** the Master's Report and its Recommendations, and **APPROVES** the changes to the centralized computer record system that are reflected on each abstract served with this order.

ELECTRONICALLY SIGNED AND DATED BELOW.

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